

R277. Education, Administration.

R277-708. Enhancement for At-Risk Students.

R277-708-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section ~~[53A-17a-166]~~ 53F-2-410, which directs the Board to manage the Enhancement for At-Risk Students interventions by:

(i) developing a funding formula;

(ii) developing performance criteria;

(iii) ~~[administering the]~~ supporting LEA implementation of evidence-based interventions;

(iv) distributing the appropriation; and

(v) monitoring and reporting the effectiveness of the evidence-based interventions; and

(c) Subsection ~~[53A-1-401]~~ 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs.

(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

R277-708-2. Definitions.

(1) "At-risk of academic failure" means a k-12 public school student who:

(a) scores below proficient on a Board or LEA approved assessment; or

(b) meets an LEA governing board's approved definition of at-risk of academic failure.

(2) "Available funds" means the total funds appropriated for the Enhancement for At-Risk Students interventions, less funding designated for gang prevention under Subsection ~~[53A-17a-166(1)(b)(i)]~~ 53F-2-410(1)(b)(i).

(3) "Chronic absenteeism" means the number of students within an LEA who:

(a) were enrolled in the LEA 60 calendar days or more; and

(b) missed 10% or more days of instruction, whether the absence was excused or not.

30 ~~[(3))(4) "[Data Clearinghouse]UTREx"~~ means the electronic data collection system
31 ~~used by the Superintendent to collect information required by law from LEAs about individual~~
32 ~~students at certain points throughout the school year to support the allocation of funds and~~
33 ~~accountability reporting.]~~

34 ~~[(5))(4) "Homeless child" or "homeless youth"~~ means the same as that term is defined
35 ~~in R277-616-2.~~

36 ~~[(6))(5) "Homelessness"~~ means the number of students within an LEA identified as
37 ~~homeless youth.~~

38 ~~[(4))(6) "LEA governing board"~~ means:

- 39 (a) a charter school governing board; or
40 (b) a district's local school board.

41 ~~[(5))(7) "LEA share"~~ means the percentage of k-12 students from an LEA who are at
42 risk of academic failure compared to the total count for the state of Utah from the previous
43 school year.

44 ~~[(6))(8) "Limited English Proficiency" or "LEP"~~ means the total number of English
45 learner or "EL" students in an LEA from the October 1 count from the previous school year[;
46 including:

47 ~~(a) the number of EL students receiving]~~who received a score of 1-4 on the English
48 language proficiency assessment[; and].

49 ~~[(b) the number of students previously classified as English Proficient based on a score~~
50 ~~of 5 or 6 on the English language proficiency assessment;]~~

51 ~~[(7))(9) "Low performance on a statewide assessment"~~ means the unduplicated count
52 of k-12 students from an LEA scoring below proficient in Reading/Language, Math, and
53 Science on one of the following exams from the previous school year:

54 (a) ~~[the Student Assessment of Growth and Excellence (SAGE)]~~for students in grades
55 3 through 8, the Readiness Improvement Success Empowerment (RISE) standards
56 assessment;

57 (b) for students in grades 9 and 10, Utah Aspire;

58 ~~[(b))(c) the Special Education [adaptive testing Dynamic Learning Maps or~~
59 ~~"DLM"]~~alternate assessment; or

~~[(c)]~~(d) other Board approved assessment.

~~[(8)]~~(10) "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.

~~[(9)]~~(11) "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

(12) "Truancy" or "truant student" means a student absent without a valid excuse.

(13) "UTREx System" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

(14) "Valid excuse" means the same as that term is defined in Section 53G-6-201.

R277-708-3. Allocation of Enhancement for At-Risk Student Funds.

(1)(a) Subject to Subsection (1)(b), the ~~[The]~~ Superintendent shall award available funds to an LEA based ~~[on an equal weighting of]~~ the LEA's number of students who meet the following criteria:

~~[(a)]~~(i) low performance on a Board approved assessment;

~~[(b)]~~(ii) poverty;

~~[(c)]~~(iii) mobility; ~~[and]~~

~~[(d)]~~(iv) limited English proficiency[-];

~~[(e)]~~(v) chronic absenteeism; and

~~[(f)]~~(vi) homelessness.

(b) When counting the number of students within an LEA who meet the criteria described in Subsection (1)(a), the Superintendent shall count as follows:

(i) for a student who meets one criterion, count the student once; and

(ii) for a student who meets more than one criterion, count the student for more than one criterion for each criterion the student meets, up to three criteria.

(2) The Superintendent shall base an LEA's allocation on the certified data from the ~~[Data Clearinghouse]~~ UTREx System using the most recent school year for which data is complete and available.

(3) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:

(a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs.

(b) The Superintendent shall divide the base amount described in Subsection (3)(a) equally among all eligible LEAs.

(4) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At-Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools with at least 75% poverty.

(5) Of the funds remaining after the distributions described in Subsections (3) and (4), the Superintendent shall determine an LEA's share based on the LEA's percentage of students with at-risk factors for the state.

(6) The Superintendent shall use data from the Board's ~~[Data Warehouse]~~ UTREx System for each LEA from the previous school year to determine ~~[the students who qualify under]~~ an LEA's allocation of funds using the following definitions:

(a) low performance on a Board approved assessment;

(b) poverty;

(c) mobility; ~~[and]~~

(d) limited English Proficiency~~[-]~~;

(e) chronic absenteeism; and

(f) homelessness.

(7) The Superintendent shall allocate funds appropriated for at-risk factors to each LEA based on the LEA's proportion of at-risk factors in comparison to the statewide total.

(8) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.

R277-708-4. Fiscal Procedures.

(1) An LEA shall submit its application to the Superintendent annually by November 1 through the Board's grant management system.

(2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.

(3) Except as provided in Subsection (5)(a), an [An] LEA shall spend all allocated funds annually by June 30.

(4) An LEA that accepts funds for Enhancement for At-Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.

(5)(a) With written approval from the Superintendent, an LEA may carry over and spend up to ten percent or \$50,000, whichever is less, of state Enhancement for At-Risk Student funds in the next fiscal year.

(b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the Superintendent annually.

(c) An LEA shall detail approved carry over amounts in a revised budget submitted with the LEA's application described in Subsection (1) and through the Board's grant management system.

(d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than ~~[October]~~December 1 in the year submitted.

R277-708-5. Application Process.

(1) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure~~[-],~~ including addressing truancy.

(2) An LEA shall establish the following to include in the LEA's application for Enhancement for At-Risk Student money:

(a) supporting the specific measurable goals aligned to the growth goals in the state accountability system, including a baseline measurement, related to increased academic achievement of students at-risk of academic failure;

~~[(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;]~~

149 ~~[(e)]~~(b) a copy of the LEA's comprehensive plan for student and classroom
150 management, and school discipline required in Section R277-609-4; and

151 ~~[(d)]~~(c) if the LEA establishes an LEA specific definition of a student at-risk of academic
152 failure as described in Subsection R277-708-2(1)(b), the LEA governing board's approved
153 definition of a student at-risk of academic failure.

154 (3) Annually, an LEA shall provide the following information to the Superintendent:

155 (a) a report of the LEA's use of funds through the annual financial reporting process;

156 (b) the LEA's outcome data related to the specific measurable goals included in the
157 LEA's application; and

158 (c) a report of intervention effectiveness based on performance criteria defined by the
159 Superintendent.

160 **R277-708-6. Oversight: Monitoring, Evaluation and Reports.**

161 ~~[(1) The Superintendent may recommend that the Board designate no more than one~~
162 ~~percent of the total appropriation from the Enhancement for At-Risk Students to be used~~
163 ~~specifically by the Superintendent for oversight, monitoring and evaluation of:~~

164 ~~—— (a) LEA implementation of the intervention; and~~

165 ~~—— (b) compliance with state law and this rule.]~~

166 ~~[(2)]~~(1)(a) The Superintendent shall conduct tri-annual intervention reviews of each
167 LEA receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

168 (b) In the Superintendent's discretion or for good cause, the Superintendent may
169 conduct additional formal or informal:

170 (i) monitoring;

171 (ii) reviews; or

172 (iii) site visits.

173 ~~[(3)]~~(2) If the Superintendent identifies violations as a result of a review described in
174 Subsection ~~[(2)]~~(1)(a), an LEA shall prepare and submit to the Superintendent a written
175 corrective action plan for each finding made by the Superintendent.

176 ~~[(4)]~~(3) If an LEA fails to resolve findings identified by the Superintendent under
177 Subsection ~~[(3)]~~(2), the Superintendent may ~~[withhold funds]~~ implement corrective action as
178 provided in R277-114.

179 **R277-708-7. Gang Prevention and Intervention Funds.**

180 (1) Consistent with Subsection ~~[53A-17a-166(1)(b)]~~ 53F-2-410(1)(b), the
181 Superintendent shall distribute funding to LEAs for gang prevention and intervention.

182 (2) An LEA desiring to receive gang prevention and intervention funds shall submit a
183 proposal consistent with Rule R277-436.

184 **KEY: students at risk**

185 **Date of Enactment or Last Substantive Amendment: March 14, 2018**

186 **Notice of Continuation: September 15, 2016**

187 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~[53A-17a-166]~~ 53F-2-**
188 **410; ~~[53A-1-401]~~ 53E-3-401(4)**